

**REMARKS**

Claims 1-40 were presented for examination in the present application. The instant amendment cancels claims 4, 18, and 20 without prejudice. Thus, claims 1-3, 5-17, 19, and 21-40 remain pending for consideration upon entry of the instant amendment.

Claims 1, 15, 32, and 37 are independent.

Applicants submitted an Information Disclosure Statement in the present application at the time of filing. While a copy of the form was present in the Office Action and included the Examiner's name and date of consideration, the form did not include the Examiner's initials indicating consideration of the references. In order to avoid confusion with respect to the consideration of these references by the Examiner, Applicants respectfully request that a copy of the submitted list, as initialed by the Examiner, be returned to the Applicants with the next communication.

The Office Action objected to claims 1, 4, 20-27, and 34 for various informalities.

Claims 1, 21-27, and 34 have been amended to correct obvious errors in the manner suggested by the Examiner. Claim 4 has been cancelled without prejudice. Claims 5-7 have been amended to depend from claim 1 and, not, cancelled claim 1. Claim 20 has been cancelled without prejudice.

Applicants submit that these amendments merely make explicit what had been implicit in the claims and obviate the objections thereto. Accordingly, reconsideration and withdrawal of the objections to claims 1, 4, 20-27, and 34 are respectfully requested.

Claims 3 and 31 were rejected under 35 U.S.C. §112, second paragraph.

Claims 3 and 31 have been amended to obviate these rejections. Specifically, claim 3 has been amended to remove the unclear recitations and, thus, now recites that "the substrate is part of a wafer". Claim 31 has been amended to change "defines" to "forms".

Accordingly, reconsideration and withdrawal of the rejections to claims 3 and 31 are respectfully requested.

Applicants acknowledge with appreciation the indication of allowable subject matter in claims 9, 13, 15, 17-18, 27, 29-30, 32, 34, and 36-40.

Claim 1 has been amended into independent format, namely to include elements of allowable claim 18, which has been cancelled. Additionally, allowable claims 15, 32, and 37 have each been amended into independent format, namely to include the elements of original claim 1.

Accordingly, independent claims 1, 15, 32, and 37, as well as claims 2-3, 5-14, 16-17, 19, 21-31, 33-36, and 38-40 that depend therefrom, respectively, are allowable over the cited art.

The Office Action rejected claims 1-9, 14, 16, 19-20, 25-27, and 35 on the ground of non-statutory obviousness-type double patenting over claims 1-22 of commonly owned U.S. Patent 7,326,446 (the '446 patent). Applicants respectfully submit herewith a terminal disclaimer of the '446 patent, which is believed to obviate this rejection. Reconsideration and withdrawal of the rejection in view of the '446 patent are respectfully requested.

In addition, the Office Action provisionally rejected claims 1, 2, 4-5, 14, 18, 20, and 35 on the ground of non-statutory obviousness-type double patenting over claims 1-5, 7, and 23 of commonly owned U.S. Patent Application No. 10/515,035 (the '035 application). Applicants respectfully traverse this rejection.

The Manual for Patent Examining Procedure (the MPEP) sets forth that "[I]f a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer." See MEPEP 804(I)(B)(1).

Applicants submit that, upon entry of the instant amendment, all rejections have been obviated except for the provisional double patenting rejection in view of the '035 application.

Further, Applicants submit that the present application is the earlier filed application as between the present application and the '035 application. Specifically, the present application has an earliest claimed priority date of April 15, 2002, while the '035 application has an earliest claimed priority date of May 22, 2002.

Finally, the '035 application, which is the later filed application, is rejectable on other grounds. For example, the '035 application is presently under final rejection dated December 8, 2009 under at least 35 U.S.C. §§112 and 103.

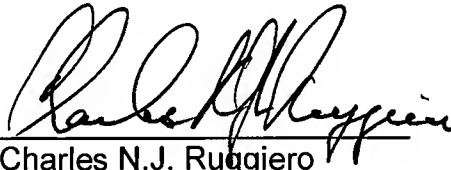
In sum, Applicants submit that, upon entry of the instant amendment, the provisional double patenting rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the provisional double patenting rejection in the present application, permitting the present application to issue as a patent without a terminal disclaimer.

In view of the above, it is respectfully submitted that the present application is in condition for issuance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", is written over a horizontal line.

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December 11, 2009